

REMARKS

Claims 3, 15, 23-26, 33, 44-46, 48-53, 59, 72, and 78 are pending.

Claims 1-2, 4-14, 16-22, 27-32, 34-43, 47, 54-58, 60-71, and 73-77 have been canceled.

The claims have been amended according to the Appeal Board decision decided on September 4, 2008. Claims were canceled based on the Board decision, and dependent claims were changed to independent form if the corresponding independent claim was not allowable.

Applicants would like to thank the Examiner for the call to Cameron Kerrigan on December 22, 2008, discussing the condition of the claims after the decision by the Appeal Board. It appears that the Examiner has performed an additional search and found U.S. Patent No. 6,083,257, which she asserts against claims 73-77. Applicants assume that this reference will be made of record and appear on the front of the issued patent as a reference cited by the Examiner. She also indicated that the other claims appear to be in condition for allowance. In order to obtain an immediate indication of allowance, Applicants have canceled claims 73-77.

Applicants respectfully request entry of the Amendment, and an indication of allowance of the claims.

CONCLUSION

Applicants respectfully request issuance of the notice of allowance. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0315.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 07-1850.

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Respectfully submitted,

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